

# IDAHO STATE BOARD OF TAX APPEALS

## STRATEGIC PLAN

FOR FISCAL YEARS ENDING JUNE 30, 2005 - JUNE 30, 2008

---

LYLE R. COBBS, BOARD MEMBER, CHAIRMAN

---

LISA M. ROBERTSON, BOARD MEMBER

---

DAVID E. KINGHORN, BOARD MEMBER

---

SUSAN RENFRO, DIRECTOR & CLERK TO THE BOARD

---

STEVE WALLACE, HEARING OFFICER

---

SANDRA L. TATOM, LEGAL ASSISTANT

---

MARCHELLE PREMO, ADMINISTRATIVE ASSISTANT I

## MISSION

The Board of Tax Appeals is a quasi-judicial, impartial hearing board. The Board is an administrative agency with the power to adjudicate the rights of persons before it. The Board's specialized jurisdiction encompasses appeals from final determinations of county boards of equalization and the State Tax Commission regarding almost every State tax type. The Board of Tax Appeals is an independent agency within the Department of Revenue and Taxation, and not under the control of the State Tax Commission.

Our mission is to provide expeditious, inexpensive, convenient and equitable judicial review, based on fact, accepted appraisal methodology and standards, statutes, rules and case law, ensuring Idaho taxpayers uniformity and equity in taxation.

## VISION

The Board of Tax Appeals envisions furthering its professionalism and competence to meet the growing demands of more voluminous, complex and legally demanding appeal issues. Enhancing communication between Board Members and increasing research capabilities has furthered these goals. The Board also envisions enhancing the public's knowledge of the opportunity and process of questioning and challenging an assessment.

## OPERATING PHILOSOPHY

All parties to an appeal are entitled to impartial, courteous, just, and attentive treatment and well reasoned, prompt, economical, and accessible judicial review.

Extreme fluctuations in appeal numbers and complexity are caused by a variety of external factors. These are due to annual county revaluation efforts, population growth, real estate prices, the professionalism and fairness of county boards of equalization, economic conditions, special use properties, and statute changes. Tax Commission appeals result from audits and statute changes, as well as economic conditions. Appeals continue to present new issues and challenges. The Board must continue to fairly balance pro se appellants with those who are legally trained.

Legislation mandating the Board render ad valorem decisions by May 1 has forced more intense case flow management while at the same time maintaining due process safeguards for appellants. The Board must continue to enhance research capabilities as appeals center on more complex issues.

The Board is currently equipped to conduct telephonic hearings.

The Board's Administrative Rules and Statutes, Suggestions for Appearance Before the Board, and informational brochures are furnished to all parties so they may prepare for hearing and better understand the Board's role as an independent tax tribunal.

## 5-YEAR GOALS

Continue to issue fair, thorough and reasoned decisions based on fact, accepted appraisal methodology and standards, statutes, rules, and case law.

Expedite Board deliberations and transmittal of written decisions.

Continue developing case flow management controls to ensure that all ad valorem appeal hearings are conducted and decisions rendered by May 1. The case load has fluctuated over the past four years, and may require additional FTP resources to hear appeals and continue to render timely decisions.

Regularly update and enhance the Board of Tax Appeal's web site making decisions, appeal procedures, and appeal forms available to the public. Develop standards and purchase technology which provide access to public information by handicapped parties pursuant the Americans with Disabilities Act, Section 508.

Review and update Board statutes annually, Board administrative rules on a 3-year cycle.

Develop more public awareness of the Board of Tax Appeals services.

#### OBJECTIVE #1

**Continue to issue fair, thorough and reasoned decisions and conclusions based on fact, accepted appraisal methodology and standards, statutes, rules, and case law.**

##### Strategies/Actions

Board Members and the Hearing Officer receive "fair hearing" training at the National Judicial College along with courses in decision making and legal writing. Continuing judicial training will help them conduct more professional and just hearings.

Continued development and cataloging of reference materials, court cases, and periodicals in the Boise office for use by the Board Members in their deliberations is a priority. Enhance staff research capabilities through the application of *Lexis-Nexis*, or a similar product, which provides Supreme Court decisions and statutes from Idaho and other states, Federal Court decisions, and other legal resources and authorities. Additionally, continued research at the State Law Library, implementation of new and amended statutes and new court cases ensure Board decisions are based on current law.

Staff continue developing the District Court case books which track and document the status of Board decisions appealed to District Courts and the Supreme Court. The Board's decisions along with District Court and Supreme Court opinions are available for Board Members and are discussed at each Board meeting.

#### OBJECTIVE #2

**Expedite Board deliberations and written decisions.**

##### Strategies/Actions

A system has been implemented to track and communicate case status and performance measures, and to analyze workload and output efficiency. It includes monitoring the time between hearing and the issuance of the final decision.

Board and staff have been provided with telephone lines, fax machines, e-mail capability, and Federal Express services in an effort to expedite case turn-around times.

#### OBJECTIVE #3

**Further develop case flow management controls to assure that all hearings are conducted and decisions rendered by May 1 in ad valorem cases and to expedite Tax Commission cases within the current operating budget.**

#### Strategies/Actions

Stringent early control of case flow has been developed and implemented. Simplifying procedures will continue to save time and costs for both the Board and taxpayers.

Supervision and control of case movement monitors time standards for overall disposition to identify delays and to control case progress on an ongoing basis. The controls include monitoring case activity beginning with the original appeal filing through hearing and final decision. Final statistics are available for Board Member review including the number of appeals processed and overall time involved per appeal.

Considering the increases in case load and complexity, the Board is exploring the implementation of new settlement and pre-hearing proceedings, in accordance with the Idaho Administrative Procedure Act.

#### OBJECTIVE #4

**Continue to make Board decisions, appeal forms and educational information available to the public. The agency will work toward the goals of HCR No. 56, to develop standards and purchase technology which provides access to public information by handicapped parties pursuant to the Americans with Disabilities Act, Section 508.**

#### Strategies/Actions

The Board's web site went on-line in June of 2000. The 1997 through 2003 Board decisions, as well as the mission statement, appeal forms, informational brochures, and Suggestions For Appearance At Hearing are available online. Search capability has been added to the web site to enhance service and minimize research time for the public.

Steps will be taken to meet the recommendations set out in HCR No. 56 to ensure that information on the Board's web site is accessible to the blind and visually impaired.

Historical dockets and other information are being electronically compiled.

#### OBJECTIVE #5

**Review and update Board statutes annually, and Board administrative rules on a 3-year rotation.**

#### Strategies/Actions

Copies of the Board's administrative rules, statutes, and informational brochures are sent to all parties along with a letter acknowledging the appeal.

Board statutes were amended during the 2004 legislative session and changes to the Board's administrative rules will be submitted for legislative approval during the 2005 session. Such ongoing updates will continue to provide current, accurate, legal, and helpful information to the parties of each appeal. The Board must remain aware of new and amended statutes and court cases which affect taxation in Idaho.

#### OBJECTIVE #6

**Develop further public awareness of the Board of Tax Appeals review services.**

The Board is exploring the development of marketing strategies to better inform the general public of the existence and purpose of the Board of Tax Appeals concerning appeal rights and services.

### **Strategies/Actions**

To file an appeal with the State Board of Tax Appeals, parties must first appeal to the County Board of Equalization or the Idaho State Tax Commission. Appeals from those taxing authority decisions can then be filed to the Board of Tax Appeals.

Many taxpayers are not aware of the Board of Tax Appeals or do not understand the procedure and requirement of first appealing to the County Board of Equalization or the State Tax Commission.

### **INPUT MEASURES**

The Board of Tax Appeals FY 2004 appropriation was \$322,200. Approximately \$249,000 was spent on salaries and benefits for four full-time employees and three part-time Board Members, approximately \$59,500 was spent on operating expenditures and \$3,000 on capital outlay. Expenditures included facility rent, communications, Board Member and hearing officer travel expenses, supplies, and a new network server to meet ITRMC standards and requirements. Approximately \$10,500 will be reverted to the General Fund at the close of FY 2004. This revenue is unexpended part-time Board Member salary and \$2,000 of unexpended operating funds.

The FY 2005 appropriation is \$332,600.

### **OUTCOME PERFORMANCE MEASURES**

The primary function of the Board of Tax Appeals is to hear appeals and render decisions in an impartial and timely manner. 100% of the appeals filed in 2003 were heard. 100% of the associated decisions were rendered by June 30, 2004. No appeals were held in abeyance.

### **OUTPUT PERFORMANCE MEASURES**

Quantity: The Board handled 280 appeals during the 2004 fiscal year, including 47 Tax Commission appeals and 233 ad valorem appeals. No appeals were carried over from the previous year, and no cases are being held in abeyance.

100% of the 2003 appeal hearings were conducted by June 30, 2004, or the end of the fiscal year.

100% of the decisions were rendered by June 30, 2004, or the end of the fiscal year.

### **EXTERNAL FACTORS**

The Board of Tax Appeals workforce is made up of three part-time Board Members appointed by the Governor; two classified employees classified as a legal assistant and an administrative assistant I; and two non-classified employees, a hearing officer and the director.

The Board of Tax Appeals does not currently experience excessive turnover. There are five distinct positions within the agency. To the extent possible, cross-training is implemented. However due to the specific duties of each position, increasing case load, and decision deadlines imposed by statute, immediate recruitment and extensive training would be

necessary if any of the current positions were vacated. The judicial nature of the Board's duties requires extensive legal training and experience in the field of taxation.

#### **PROGRAM EVALUATIONS/SCHEDULE FOR FUTURE EVALUATIONS**

Board Members evaluate themselves through weekly updates of case status, and at each Board meeting.

Evaluations of general goals, objectives and actions are performed by all Board Members and staff at each scheduled Board meeting and on a weekly basis through case status updates.

Timeliness is measured by comparison of the original appeal filing date, the hearing date, Board signature dates, and the mailing date of the decision.

The issuance of fair, legal and reasoned decisions with conclusions based on accepted appraisal methodology and standards, statutes, rules, and case law are measured through analysis of decisions by the full Board. Requests for reconsideration, comments received from either or both parties to the appeal, and District and Supreme Court filings and outcomes are closely monitored by the Board.